

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

United States of America
v.

JOSE GONZALEZ

Defendant(s)

Case No. 14-547-M

FILED
MAY 29 2014

MICHAEL E. KUNZ, Clerk

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of see attached affidavit in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 2251(a)
18 U.S.C. 2252(a)(2)
18 U.S.C. 2252(a)(4)(B)

Using a Child to Pose for Images of Child Pornography
Distribution of Child Pornography
Possession of Child Pornography

See Attachment A.

This criminal complaint is based on these facts:

See attached Affidavit

☐ Continued on the attached sheet.

J. J. Morrow, FBI
Complainant's signature

JENNIFER MORROW, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 05/29/2014

City and state:

Philadelphia, PA

Carol S. Wells
Judge's signature

CAROL SANDRA MOORE WELLS, U.S.M.J.
Printed name and title

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, Jennifer A. Morrow, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Philadelphia Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI for twelve years, and am currently assigned to the Philadelphia Division's Violent Crimes Against Children Squad in the Newtown Square Resident Agency. While employed by the FBI, I have investigated federal criminal violations related to violent crime, drug trafficking, kidnapping, and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, training at the Innocent Images Unit of the FBI, various conferences involving Innocent Images and Crimes Against Children, and everyday work related to conducting these types of investigations.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. This affidavit is being made in support of an application for a complaint and warrant for the arrest of Jose Gonzalez.

4. The statements in this Affidavit are based in part on my investigation of this matter and on information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of obtaining an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that Jose Gonzalez committed violations of Title 18 U.S.C. Sections 2251, 2252(a)(2), and 2252(a)(3)(4)(B).

LEGAL AUTHORITY

5. Title 18 U.S.C. Section 2251(a) prohibits a person from using the mail or any facility, including the computer, or means of interstate or foreign commerce, from knowingly employing, persuading, inducing, enticing, or coercing any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

6. Title 18 U.S.C. Section 2252(a) prohibits a person from knowingly transporting, shipping, receiving, distributing, reproducing for distribution, possessing, or accessing with intent to view any visual depiction of minors engaging in sexually explicit conduct, when such visual depiction was either mailed or shipped or transported in interstate or foreign commerce, or in or affecting interstate commerce, by any means, including by computer, or when such visual depiction was produced using materials that had traveled in interstate or foreign commerce.

INVESTIGATIVE RESULTS

7. On or about May 27, 2014, an FBI Task Force Officer and Detective with the Metropolitan Police Department in Washington D.C. was online undercover and received an email from a Craigslist email account rst8v-4469957022@pers.craigslist.org. in response to an advertisement placed by the undercover. In the email, rst8v-4469957022@pers.craigslist.org described himself as a bisexual male, 31 years of age, with a 2 year old daughter, and stated that he liked "licking my daughter, love super young." During the email conversation rst8v-4469957022@pers.craigslist.org stated "just can't help licking mine, it's so irresistible...they taste so yummy at that age. Would love to jerk off with you sometime....and talk about it or share pics." Based on your affiant's training and experience, "licking my daughter" and "just

can't help licking mine" refer to oral sex, and "share pics" refers to his sharing child pornography.

8. The undercover stated he was on Yahoo! Instant Messenger and provided his user id to rst8v-4469957022@pers.craigslist.org, who told the undercover that he would add him to his list of contacts that night so that they could chat. All of the emails sent to the undercover from rst8v-4469957022@pers.craigslist.org stated at the bottom that they were "Sent from my iPhone."

9. That same evening, May 27, 2014, the undercover received a Yahoo! Message from an account titled "got2hirejose@yahoo.com." From the content of the conversations, the undercover and your affiant believe that rst8v-4469957022@pers.craigslist.org and "got2hirejose@yahoo.com" are the same person.

10. That evening the undercover and "got2hirejose@yahoo.com" conversed over Yahoo! Got2hirejose admitted that he licked his daughter every few days, engaged in masturbation with her, as well as other acts of sexual molestation, and photographed his sexual abuse. During his conversation with the undercover, "got2hirejose@yahoo.com" sent three images, all depicting child pornography, as follows:

- a. Image titled "Image 02.jpg" depicts a toddler wearing a pink top, possibly a bathing suit top, and nothing else. The toddler has her legs open displaying her vaginal area. The toddler has colored nail polish on her nails. The picture does not show the toddler's face but her dark hair is visible.

b. Image titled "Image.jpg" depicts an adult holding the four fingers of a prepubescent child. The adult is wearing what appears to be a silver ring on the ring finger of the left hand. The prepubescent child has colored nail polish on the nails which appears to be the same nailpolish as in the first photograph. The child is wearing a shirt with a green colored sleeve. Your affiant believes that the adult holding up four fingers on the child is in response to the conversation between got2hirejose and the undercover, in which the undercover requested evidence that got2hirejose was photographing a real child and they discussed having the child hold up four fingers to prove that got2hirejose was the one taking the picture.

c. Image titled "Image 52714.jpg" depicts a prepubescent child holding the penis of an adult male. The prepubescent child has colored nail polish on the nails and is wearing a shirt with a green colored sleeve. Upon review, your affiant believes the prepubescent child in this photograph is the same as the previous photograph and the nail polish is the same as the previous photographs.

11. Records obtained from Yahoo! Inc. for subscriber and access log information associated with account "got2hirejose@yahoo.com" revealed that the account was created on 10/28/2005 by subscriber as Jose Gonzalez, the target of this warrant. Yahoo! identified IP address 68.80.36.195 as being used to access this account on 05/27/2014 at 20:22 PT, 19:41 PT, and 19:18 PT, the times that the images of child pornography were sent to the undercover officer by got2hirejose@yahoo.com.


12. A public database search for the email address got2hirejose@yahoo.com listed the account holder as Jose Gonzalez, and his wife as Jacqueline Gonzalez.

13. A review of Jose Gonzalez' FaceBook page showed that he is friends with Jacqueline Bendana-Gonzalez.

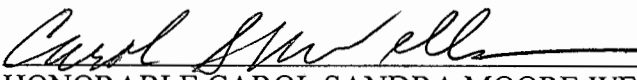
14. Review of Jacqueline Bendana-Gonzalez's Facebook page found an album titled "Christmas 2013 Arabella's Birthday/Arabella turned 2!" Included in the photo album is a picture showing an adult Hispanic male, identified as defendant Jose Gonzalez, an adult Hispanic female, identified as his wife, Jacqueline Bendana-Gonzalez, and their daughter sitting between them. The child in the photograph appears to be the same child depicted in the images sent by got2hirejose@yahoo.com to the undercover officer on May 27, 2014.

CONCLUSION

15. Based upon the information above, I respectfully submit that there is probable cause to believe that Jose Gonzalez did use a child to pose for child pornography images, did distribute those child pornography images to an undercover officer, and did possess child pornography, in violation of Title 18 U.S.C. Sections 2251, 2252(a)(2), and 2252(a)(4)(B), respectively.


JENNIFER A. MORROW
Special Agent, Federal Bureau of Investigation

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 28th DAY
OF MAY, 2014.


HONORABLE CAROL SANDRA MOORE WELLS
United States Magistrate Judge